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A MARRIAGE AGREEMENT.

ORIGINAL DRAFT OF AN AGREEMENT ON FILE AT
EASTVILLE, NORTHAMPTON COUNTY, VIRGINIA.*

Articles of Agreement betwixt Mr. John Custis and his wife—

Whereas some differences and Quarrels have arisen betwixt Mr. John Custis of York County & Frances his wife concerning some money, Plate and other things taken from him by the sd frances and a more plentiful maintenance for her. Now to the end and all animostys and unkindness may cease and a perfect love and friendship may be renewed betwixt them they have mutually agreed upon the following articles this — day of June anno Domi 1714:

1st. First it is agreed that the sd Frances shall return to the sd John all the money, Plate and other things whatsoever that she hath taken from him or removed out of the house upon oath and be obliged never to take away by herself or any other, anything of value from him again or run him in debt without his consent, nor sell, give away or dispose of anything of value out of the family without his consent, upon the condition that the plate and damaske linen shall not be given or disposed of by the aforesaid John from the said during her life, and the said John doth covent. sd plate & Linnen to be delivered by the said frances to ye said John shall be given to the children of the said John by the said Frances immediately after her decease.

2d. That Frances shall henceforth for bear to call him ye sd John any vile names or give him any ill language, neither shall he give her any but to live lovingly together and to behave themselves to each other as a good husband & good wife ought to doe. And that she shall not intermeddle with his affairs but that all business belonging to the husband's management shall be solely transacted by him, neither shall he intermeddle in her

* We are indebted to Mr. G. C. Callahan, of Philadelphia, for a copy of this draft.

domestique affairs but that all business properly belonging to the management of the wife shall be solely transacted by her.

3d. That the sd John shall pay all the debts he hath already contracted out of the debts now due to the Estate and the money he hath received if there will be sufficient to pay them; and that he shall enter into Bond to Philip Ludwell in the sum of one thousand pounds that from hence forward he shall keep true and perfect accounts of all the profitts and disbursements of his whole Estate in any part of Virginia that he is now possessed of and alsoe of all the estate he shall at any time hereafter by her means be possessed of in any part of the world, and shall produce the same accounts yearly if it be required upon oath. And that after all debts hereafter necessarily accruing for buying cloaths, tools and all the necessary for the servants and plantations, paying leavys and Quitt-rents & making necessary repairs of his whole estate and alsoe all other necessary charges acrewing for the use & benefitt of the estate which is to descend to the child of ye said Frances are deducted and paid he shall freely & without grudging allow one full moity or half of all the clear produce of his whole Estate as aforesaid annually to the said Frances for clothing herself and the children with a reasonable proportion thereof and the remainder to be all laid out in the education of the children & for furnishing and provideing all things that are necessary for house keeping (that are to be brought from England) and Phisick soe long as the sd Frances shall live peace quietly with him, and that he shall allow for the maintenance and family one bushell of wheat for every week and a sufficient quantity of Indian Corn and as much flesssh of all kinds as the stocks of Cattle, Sheep and hoggs of his whole estate will afforde without impairing them if so much shall be necessary, and sufficient quantity of Cyder and Brandy if so much be made on the plantations: Provided that nothing herein contained shall be construed to debar the sd John of the free command and use of anything that shall be provided for house keeping soe as he doth not sell any of it without her consent. Provided also that the condition of this bond be that if the sd Frances doe exceed the allowance herein exprest in these articles, run him in debt or break any of them the bond to be voyd and the allowance to cease.

4th. That the sd John shall allow the sd Frances to keep in the house to do the necessary work in and about the same servants she now hath vizt: Jenny, Queen, Pompy & or such others in their stead and also Billy boy or little Roger and Anthony or such another in his stead to tend the garden, goe of errands or with the coach, catch horses and doe all other necessary works about the house, and if any of them dye ye sd John shall put others in thyr stead.

5th. That ye sd John shall allow the sd Frances fifteen pounds of wool and fifteen pounds of fine dresst flax or fifteen pounds of wool in lieu thereof every year to spin for any use in the family she shall think fit.

6th. That the sd Frances shall have free liberty to give away twenty yards of Virginia cloth every year to charitable uses *if soe much remain after the servants are clothed.*

7th. That the sd Frances shall have free liberty to keep a white servant if she shall think fitt out of the above allowance soe as the sd servant be alsoe subject to ye sd John.

8th. And foreasmuch as the one half of the clear produce of the tobacco being to be taken upon the sale of it and the Cloathing and other necessarys to be bought in England and that it will generally be at least twelve months before an account of sales can be had from thence and an invoyce sent thither, therefore for the supplying the present wants of the said Frances the children and house in manner and for the use aforesaid, the said John shall allow to the said Frances fifty pounds in money if there shall be soe much left remaining of the debts now due to the estate and money now on hand after all the debts already contracted by him or her shall be paid as afores'd.

9th. That ye sd Frances shall render a true acc't under oath to ye sd John if he shall require it how ye sd fifty pounds and alsoe ye clearer profitts yearly are expended and laid out.

I doe not remember Mr. Custis mentioned any sum for the bond. Mrs. Custis named 1,000£ but I doe not know what he said to it.*

* The 9th article evidently was one that was to be submitted to the parties in interest.

The last paragraph was written by the person who prepared the paper.